

Remarks

The various parts of the Office Action (and other matters, if any) are discussed below under appropriate headings.

Claim Rejections - 35 USC § 103

Claims 1-12, 15, 18-23, 29-42, 44-45, 48-53, and 55-58 stand rejected under 35 USC §103(a) as being unpatentable over U.S. Patent Publication No. 2003/0008636 to *McGregor et al.* in view of U.S. Patent Publication No. 2003/008636 to *White*, U.S. Patent No. 6,725,303 to *Hoguta*, U.S. Patent No. 4,951,308 to *Bishop et al.*, U.S. Patent Publication No. 2003/0195825 to *Ehrman et al.*, U.S. Patent No. 5,642,485 to *Deaton et al.*, U.S. Patent No. 5,266,922 to *Smith et al.* and/or U.S. Patent No. 5,455,560 to *Owen*. Withdrawal of the rejections is respectfully requested for at least the following reasons.

Amended claim 1 sets forth a method of securely allocating mobile devices to at least one user. In accordance with claim 1, a plurality of mobile devices are stored in an inoperative state under the control of a host computer, wherein each of the plurality of mobile devices is in communication with the host computer while in the inoperative state. Amended claim 29 sets forth a mobile device allocation system for securely allocating mobile devices to a plurality of users. The system includes at least one host computer, and a plurality of mobile devices, wherein each of the plurality of mobile devices is stored in an inoperative state and in communication with the host computer while in the inoperative state. Support for the amendments to claims 1 and 29 can be found, for example, on page 4, lines 25-29, page 6, lines 11-19, and page 12, lines 18-25 of the application as filed.

McGregor discloses a mobile phone distribution system. In use, a customer who wishes to rent a cellular phone presents a credit card to a rental agent. The agent enters the customers name, address, driver's license number and other information into a computer system. The agent then swipes the customer's credit card through a slot in the credit card reader to record credit information and automatically dial-up a service bureau through a dedicated internal modem in a local computer, called the tracking and accounting unit (TAU). Upon verification of card validity and credit limitations, if any, the TAU prompts the agent to ***place a phone in the boot of the telephone interlink receiver. The phone is initially off and the interlink receiver powers the phone, unlocks it,*** and checks the phone Electronic Serial Number (ESN) and telephone

number, checks the cumulative call counter, checks the setting of the real-time clock in the phone and resets the call memory (see paragraph [0082] of *McGregor*).

Accordingly, *McGregor* clearly discloses that only the phone being rented by the user is in communication with the interlink receiver, and the remaining phones are not in communication with the interlink receiver. Thus, *McGregor* is not understood to teach or suggest storing a plurality of mobile devices in an inoperative state under the control of a host computer, each of the plurality of mobile devices ***in communication with the host computer while in the inoperative state*** as set forth in amended claim 1. Similar comments are applicable to amended claim 29.

White, Hoguta, Bishop, Ehrman, Deaton, Smith and Owen have not been found to make up for the above deficiencies of *McGregor*. Accordingly, withdrawal of the rejection of claims 1 and 29 is respectfully requested.

Claims 2-12, 14-24, 30-42, 44-58 and 65-66 depend from either claim 1 or claim 29 and, therefore, can be distinguished from *McGregor* in view of *White, Hoguta, Bishop, Ehrman, Deaton, Smith and Owen* for at least the same reasons. Accordingly, withdrawal of the rejection of claims 2-12, 14-24, 30-42, 44-58 and 65-66 is also respectfully requested.

New Claims

New claims 67 and 68 are presented for favorable examination. No additional fee is believed to be due for new claims 67 and 68.

Support for new claims 67 and 68 can be found, for example, in original claim 1, on page 4, lines 25-29, page 6, lines 11-19, and page 12, lines 18-25 of the application as filed. New claims 67 and 68 can be distinguished from the cited art for at least the same reasons set forth above with respect to claim 1.

Conclusion

In view of the foregoing, request is made for timely issuance of a notice of allowance.

Respectfully submitted,
RENNER, OTTO, BOISSELLE & SKLAR, LLP

By /Kenneth W. Fafrak/
Kenneth W. Fafrak, Reg. No. 50,689

1621 Euclid Avenue
Nineteenth Floor
Cleveland, Ohio 44115
(216) 621-1113
R:\Ken\TELNP0201US\TELNP201-R05.doc